

So let's talk about myth, let's talk about facts, and let's get beyond all of this and say seniors of this country have chosen overwhelmingly to stay in Medicare. They like Medicare. It works. It just does not cover prescription drugs.

Mr. HARKIN. Will the Senator from Michigan yield for a question?

Ms. STABENOW. I am happy to yield.

Mr. HARKIN. First, I preface my question by thanking the Senator from Michigan for her depth of understanding of the whole Medicare issue and also for her clarity of argument. I should say her clarity of exposition, for exposing what this is all about. It is not about tinkering around with it; it is really about an assault on the Medicare system itself. So I thank the Senator from Michigan for pointing that out, and I hope the Senator will continue to do this so that the American people understand what this is really about. It is about a fight for Medicare, whether we are going to have it.

Now, my question is this: As the Senator pointed out, Mr. Scully and others, back when Medicare+Choice came in, were lauding it, saying we were going to see seniors pouring into managed care Medicare. The Senator talked about how Mr. Scully said this was going to be an Oklahoma land rush to move to private health plans, and the Republicans who put up Medicare+Choice had all of these visions that seniors would go into it. But as the Senator from Michigan pointed out, that did not happen, did it? It did not happen.

Ms. STABENOW. That is correct.

Mr. HARKIN. Now we only have 11 percent of seniors who chose that. I ask the Senator from Michigan, does it somehow appear that since voluntarily the Republicans could not get seniors into HMOs and private health care plans, there now seems to be an approach that we are going to force them into HMOs by doing away with the Medicare system and restructuring it into a private HMO type system that would force the elderly to do what the elderly do not want to do? Does that seem to be the kind of thing we see laid out in front of us?

Ms. STABENOW. Well, I think my colleague is very wise in pointing that out. I often say that seniors made their choice and now our colleagues on the other side of the aisle have said: We do not like that choice. Pick again. You cannot have this choice. Door No. 1 is closed and locked. You can only pick door No. 2. That is really what is happening. Even among the fancy words, now we are hearing that under Medicare there will be the same prescription drug proposal, the same plan as our private plans; we are going to give the same prescription drug plan. But then we hear, but other things will be better in the private sector plans, such as we will have more prevention; we will have a better catastrophic cap; we will have other things that are better. So they are moving the words around.

It may appear that the prescription drug part is the same, but other things will be better because of the belief—and there is a genuine philosophical difference, there is a divide, about what is the best way to proceed. There are colleagues who believe that probably Medicare should never have been enacted. I have heard it said it is a big government program, it should be private insurance run, and they would like very much to get back as close as they can to a privately run system.

Mr. HARKIN. Again, I thank the Senator for pointing this out. As the Senator knows, the majority of Republicans voted against Medicare when it came in, in 1965. Even my good friend Senator Dole, when he was running for President, said he voted against Medicare and he was proud of it.

Now I would give them that that is their philosophy, and that is where they are coming from. I understand that. I understand when Newt Gingrich says he wants to have Medicare wither on the vine. I understand when the third ranking Republican in the Senate says the Medicare benefit ought to be done away with. That is their philosophy and that is where they are headed.

So again, I thank the Senator for pointing out that this is really the goal.

Ms. STABENOW. Absolutely.

Mr. HARKIN. This is the goal that is out there, to destroy the Medicare system.

Ms. STABENOW. Absolutely.

Mr. HARKIN. Again, I ask the Senator from Michigan, when Medicare came in, was it not because the private sector had failed in terms of elderly health care in America?

Ms. STABENOW. Absolutely.

Mr. HARKIN. Was that not the history? And if one has these private plans, that they are going to pick and choose, and they are going to cherry pick, and they are going to have a segregation of elderly pushed off in some corner someplace, begging for some kind of health care if we do not have a universal Medicare system? Is that not what might happen?

Ms. STABENOW. I think the Senator is absolutely correct. It is not that there is not a place for private sector insurance, but when Medicare came into place, it was because half the seniors in the country could not find a private plan that would cover them or they could not afford it. So there was such a huge need.

We as Americans have a basic value about making sure older Americans can live in dignity and have access to health care and a quality of life that they deserve, as well as those who are disabled. This is a great American value. I believe it is a great American success story. Even though there are those who since that time have been trying in some way to undermine it, we should be proud as a country. I absolutely agree with colleagues who say it needs to be modernized. We can focus more on prevention strategies.

In addition to prescription drug coverage, there are other ways we can make the system better. We can use more technology, less paperwork, all of which are good. If we could get beyond the debate that says we should move back toward the private sector, and somehow that is cost effective and saves money and the dollars will go further—none of which is true; there is no evidence of that—if we could get beyond that, we could come up with a bipartisan plan that would be meaningful. The seniors have been waiting for us to get the message. They want Medicare. They just want prescription drug coverage. They want it modernized. But they want Medicare. They have been saying that loudly and clearly.

I hope we can get the message and work together to actually get it done.

Mr. HARKIN. I thank the Senator for her leadership on this issue.

Ms. STABENOW. We appreciate the opportunity to share this today.

We have a real opportunity here, as Members on both sides of the aisle, to do something very meaningful. I hope we will do that rather than debate whether or not Medicare has been successful and seniors want choices. I believe we should look at the choice they made. It is very clear. They want us to work together and get something done, and do it in a way that will allow seniors to know that medicine, which is such a critical part of their lives and a great cost to their pocketbook, will be covered or partially covered and they will receive some assistance to be able to afford such a critical part of health care today, which is outpatient prescription drugs. It is too important to people. We do not want them choosing between food and medicine in the morning. We want them to have confidence that Medicare will cover and help with the costs of prescription drugs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 1588 by title.

The legislative clerk read as follows:

A bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities

of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken, and the text of S. 1050 is inserted in lieu thereof.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 847

(Purpose: To change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes)

Mr. KENNEDY. Mr. President, I call up amendment No. 847.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. BROWNBACK, Mr. MCCAIN, Mr. REID, Mr. BINGAMAN, Mr. DURBIN, Ms. CANTWELL, Mr. LEAHY, Mr. CORNYN, Mr. INHOFE, Mrs. CLINTON, Mr. KERRY, and Mr. SCHUMER, proposes an amendment numbered 847.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Mr. President, I offer this amendment on behalf of myself, Senators BROWNBACK, MCCAIN, REID, BINGAMAN, DURBIN, CANTWELL, LEAHY, CORNYN, INHOFE, CLINTON, KERRY, and SCHUMER.

First, I wish to express my very sincere appreciation to the floor managers for giving us an opportunity to address this issue which is of enormous importance to a number of our servicemen and servicewomen. We have debated matters of enormous importance in terms of our national security during the consideration of the Defense authorization bill. I appreciate the patience given by the chairmen of the committee, Senator WARNER, and Senator LEVIN, and I appreciate their willingness to give an opportunity for the consideration of this amendment.

I am very hopeful that after discussion of it there will be a willingness to accept the amendment.

Mr. President, I understand we have a half an hour. I yield myself such time as I might use.

Mr. President, the amendment we are offering is a bipartisan effort intended to recognize the enormous contributions by immigrants in the military. It gives immigrant men and women in our Armed Forces more rapid naturalization, and it establishes protections for their families if they are killed in action.

In all our wars, immigrants have fought side by side and given their lives to defend America's freedoms and ideals. One out of every five recipients

of the Congressional Medal of Honor, the highest honor our Nation bestows on our war heroes, has been an immigrant. Their bravery is unequivocal proof that immigrants are as dedicated as any other Americans in defending our country.

Today, 37,000 men and women in the Army, Navy, Marines, Air Force, and Coast Guard have the status of permanent residents. Another 12,000 permanent residents are in the Reserves and the National Guard. Sadly, 10 immigrant soldiers were killed in Iraq. The President did the right thing by granting those who died posthumous citizenship, but it is clear that we must do more to ease the path to citizenship for all immigrants who serve in our forces.

This amendment improves access to naturalization for lawful permanent residents serving in the military. It provides expedited naturalization for members of the Selected Reserves during military conflicts, and it protects spouses, children, and parents of soldiers killed in action by preserving their ability to file for permanent residence in the United States.

Specifically, the amendment reduces from 3 to 2 the number of years requires for immigrants serving in the military during times of peace to become naturalized citizens. It exempts them from paying naturalization filing fees, and it enables them to be naturalized while stationed abroad. Affordable and timely naturalization is the least we can do for those who put their lives on the line to defend our Nation.

During times of war, recruiting needs are immediate and readiness is essential. Even though the war in Iraq has ended, our commitment to ending global terrorism will continue, and more and more of these brave men and women will be called to active duty. Many of them are members of the Selected Reserves.

I point out, for the benefit of my colleagues, we are just looking at the Selected Reserves. There are a number of aspects to the Reserve units. We have the Selected Reserves as a part of the Ready Reserve, but we are just targeting this on the Selected Reserves. It does not apply to the individual Ready Reserves, the inactive National Guard, Standby Reserve, or Retired Reserve. These are individuals who must keep their competency up under regular kinds of training programs and are very much involved and integrated into the military units. Many of the Selected Reserves have already been activated in the Reserve and National Guard units, and many more expect to be called up at a moment's notice to defend our country and assist in military operations.

Over the years, many Reserve and Guard units have become full partners with their active duty counterparts.

We saw that in Operation Iraqi Freedom, where you had the highest mobilization of our Reserves and Guard in recent years. Their active duty colleagues cannot go to war without

them. Being a member of the Selected Reserves is nothing less than a continuing commitment to meet very demanding standards, and they deserve recognition for their bravery and sacrifice. The amendment allows permanent resident members of the Selected Reserves to expedite their naturalization applications during war or military hostilities.

Finally, the amendment provides immigration protection to immediate family members of soldiers killed in action. Provisions reached through compromise will give grieving mothers, fathers, spouses and children the opportunity to legalize their immigration status and avoid deportation in the event of the death of their loved one serving in our military.

It just permits them to be a permanent resident alien. Then they take their chances in moving along to become citizens.

We know the tragic losses endured by these families for their sacrifices, and it is unfair that they lose their immigration status as well.

The provisions of the amendment are identical to those in S. 922, the Naturalization and Family Protection for Military Members Act, which also has strong bipartisan support and is also endorsed by numerous veterans organizations such as the Veterans of Foreign Wars, the Air Force Sergeants Association, the Non-Commissioned Officers Association, and the Blue Star Mothers of America.

The amendment is a tribute to the sacrifices that these future Americans are already making now for their adopted country. They deserve this important recognition. I look forward to working with my colleagues to see that these provisions are enacted into law.

Th provisions of this amendment, reached through compromise, give immigration protection to the family members of some slain soldiers. They do not, however, offer protection to all family members, particularly the ones who are undocumented.

Our duty to soldiers who give their lives does not depend on how their parents or spouses or children entered the United States. Deportation is never fair pay for the death of a family member. As we together enact these provisions, I will continue working to make sure that we uphold our duties to all of our immigrant soldiers.

Mr. President, I have had a chance to talk to the chairman of the committee and the ranking member of the committee and to work with their staffs over a period of time to respond to a number of their very important questions that they have had, and I am hopeful that the Senate will accept this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this amendment will expedite the naturalization process for noncitizen soldiers serving on active duty, in the Select Reserves, and will enact safeguards to protect

noncitizen immediate relatives of American and noncitizen soldiers who are killed in action.

More than 48,900 noncitizens are currently serving in the United States military on active duty and in the Selected Reserves. Hundreds are serving from the State of Nevada. They place their lives on the line for our country every day.

In recognition and appreciation of their service, they deserve a naturalization process that does not unnecessarily delay the grant of citizenship or impose other restraints because they are stationed in another country.

These noncitizen soldiers love America so much they are willing to make great sacrifices to protect us and promote our values and even defend the Constitution—although they do not fully enjoy its protections. They deserve better treatment than they currently receive.

Like many Americans, I am moved by the story of Airman Dilia DeGrego, who is a legal resident of the State of Nevada.

Airman DeGrego's story is a tale of exemplary courage. She was born in Mexico and came to the United States at the age of 4. Airman DeGrego's family wanted so much for her to be a citizen that her mother relinquished her parental rights and gave full custody of Airman DeGrego and her two sisters to her aunt and uncle who live in the United States.

Airman DeGrego joined the Air Force, in her words, because she wants to serve her country. Her Country. Airman DeGrego knows no other home than the United States.

She is a proud member of the Air Force family and is a true patriot.

I am honored to tell you that last night Airman DeGrego sent a short message to my office stating that she has been granted an interview within the Office of Citizenship. She completed her message with two simple yet overwhelmingly powerful statements. "I have been blessed. God, bless America."

Who can say that active duty Airman DeGrego, citizen or not, is any less of a hero?

These noncitizen heroes have defended our liberty in every single Great War in which our Nation has participated and represent over 20 percent of the recipients of the Congressional Medal of Honor.

This amendment will provide necessary relief to current noncitizens serving in active duty and the selected reserves within the United States military by setting forth an expedited process of naturalization.

The amendment will also provide protections for noncitizen spouses, unmarried children, and parents of citizen and noncitizen soldiers who are killed as a result of their service, to file or preserve their application for lawful permanent residence.

This amendment is supported by the Veterans of Foreign Wars, the National

Guard Association of the United States, the Air Force Sergeants Association, the Air Force Association, the Non-Commissioned Officers Association, the Blue Star Mothers of America, the National Council of La Raza, the National Asian Pacific American Legal Consortium, the National Federation of Filipino American Association, the National Association of Latino Elected Officials, the Mexican American Legal Defense Fund, and the American Immigration Lawyers Association.

I rise today in support of action that will recognize and honor current noncitizen soldiers serving in the United States armed forces and will honor the legacy of all of our soldiers who have been killed in action by providing fair and sympathetic treatment of their immediate relatives seeking legal permanent residency.

Mr. President, I ask unanimous consent that a letter written by Airman Dilia DeGrego, who portrays exactly what the Senator from Massachusetts is saying about the tremendous sacrifice made by these people who are willing to fight for our country—and they should be treated accordingly—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*To Whom It May Concern:*

My name is Airman Dilia DeGrego. I am a United States permanent resident presently active-duty military trying to become a U.S. citizen. I was born in Mexico June 3, 1984 and have been in the U.S. for about 15 years. I was brought here by my aunt Martha Ayala, who is a U.S. permanent resident as well, and my uncle, Antonio Ayala Jr. who is a U.S. citizen. I lived with them until I left for the Air Force. When I was 12 my biological mother gave full custody of myself as well as custody of my two younger sisters to my aunt and uncle. The adoption was complete approximately two years later. My parents sponsored my sisters and I and we received our permanent residency about three years later in April of 2002. I applied for my citizenship May 30, 2002. I have not received a response from the immigration office. My dates are not exact, but the INS has record of it all. February of this year I got married in El Paso, TX to Brian Andrew DeGrego, whom I love dearly and is also active-duty Air Force, currently serving a remote tour in Osan Air Base, Korea. My sisters received a permanent "green card" in October of 2002 and I did not receive anything. When I asked all I was told was that because my citizenship was pending I would not receive it. My original temporary permanent residency card expired April 21, 2003. I currently have a duplicate that expires December 21, 2003. I hope to receive some word about my citizenship before then because if not I will have to take leave and fly to El Paso, TX where my records are currently being held. I have mailed in a change of address form with a copy of my orders to the immigration office letting them know that I am currently assigned at Nellis AFB, Nevada. I did not receive word that they received my information. I currently do not know my status. Pardon me for complaining, but I don't think it's fair that I will have to keep renewing my "green card" and not actually getting a permanent card. I went to the Air Force and asked if I could apply through them to help

my situation. I was told I could not and would have to wait until I get a reply from the INS office before the Air Force could do anything. I have called the immigration office in El Paso and received nothing more than a machine I have left messages. As far as I know I have to wait three years of being in the service or three years of being married to my husband. If the bill is passed I will be able to apply for my citizenship again August 2004. I don't understand where I am now in my situation. Anything you could do to help would be greatly appreciated.

I joined the Air Force to serve my country like many other permanent residents and U.S. citizens. To me this is the family that status did not matter, but I have experienced difficulty in my career as Public Affairs. I am unable to get an e-mail account or finish my security clearance thus unable to go on the flight line. I am unable to perform my job effectively. I am the base only staff writer for the base paper "The Bullseye" it is my job to work with people on a daily basis as well as all kinds of information. I cannot attend certain meetings if there is any unclassified information mentioned. I understand their reasons, but my job is communication and because I am not a U.S. citizen I cannot do my job the way it is suppose to be done. I am part of the Air Force family and I will fight to do all I can to do the best I can. It's unfortunate that I am in this situation, but sometimes you have to get tossed around to finally settle in somewhere. I love the Air Force and hope to be a proud member for the years to come, because despite what any paper says in my heart, I am a citizen. Serving as a member of the U.S. Air Force only makes me a prouder one. I know my situation may be common and that is why I can sincerely say that it would only help my brothers and sisters if this bill is passed. Thank you for your time and concern. God bless America!

Amn. DILIA DEGREGO,  
AIR WARFARE PUBLIC AFFAIRS,  
U.S. Air Force.

Mr. REID. So I commend and applaud the Senator from Massachusetts for offering this amendment. And, of course, as he indicated, I am a proud cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my colleagues on this timely and very compassionate initiative. I particularly thank, on my side, Senator SESSIONS, Senator CORNYN from Texas—who momentarily will address this issue—and Senator KYL, who talked to me this morning. He expressed that the two of you had reconciled, in large measure, some concerns that he had.

So I say to Senator KENNEDY, we thank you for taking this initiative. We have all worked diligently as a team to provide this situation. Each of us knows the distinguished service by those who come from lands abroad in the Armed Forces of the United States. It is a part of our history, and it is a traditional means of demonstrating the allegiance and commitment to the ideals of this Nation to which these individuals have come to join our society.

I believe this amendment—which would shorten the waiting period from 3 years to 2 years for noncitizen service members, both Active Duty and Reserve, and which eliminates fees for

processing, and which extends an accelerated naturalization process to certain spouses and parents and children of deceased alien members—has great merit and should be supported.

At this time, Mr. President, I yield such time as the distinguished Senator from Texas desires.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Texas.

Mr. CORNYN. Mr. President, I thank the distinguished Senator from Virginia, the chairman of the Armed Services Committee on which I serve, for his courtesy as well as that of Senator LEVIN, the ranking member. And I especially state my appreciation to Senator KENNEDY and those others who have cosponsored this amendment. I am proud to be one of them.

Mr. President, I rise today to say a few words about this amendment, the Naturalization and Family Protection for Military Members Act of 2003.

In every war our Nation has fought, from the Revolutionary War to Operation Iraqi Freedom, brave immigrants have fought alongside American-born citizens. They have fought with distinction and courage. Twenty percent of the recipients of the Congressional Medal of Honor, our Nation's highest honor for war heroes, have been immigrants.

One in 10 active duty military personnel call my home State of Texas their home. And as a member of the Armed Services Committee, I am dedicated to doing everything I can to look out not only for their interests but for the interests of all military personnel, including immigrants.

That is why earlier this year I introduced the Military Citizenship Act that will expedite the naturalization process for 37,000 men and women serving in our Armed Forces who are not U.S. citizens. I believe there is no better way to honor the heroism and sacrifice of those who serve than to offer them the opportunity for American citizenship they deserve.

I am proud to be a cosponsor of this amendment because I believe it fulfills a crucial responsibility to welcome those who fight for our Nation and to help immigrants become naturalized citizens, providing their families easy access to naturalization and family immigration protections.

All you need to do is look at this chart which sets out the scheme for an alien military service member to seek naturalization under current law. As you can tell, it is a sea of redtape and needless bureaucracy and is overly burdensome on those who want nothing more than to earn the opportunity of American citizenship and who have demonstrated their commitment to this Nation's ideals and values by their very service.

I believe it is time to do away with this sort of thing once and for all. This amendment and the provisions of this bill streamline the process and make it one that welcomes immigrant service members for their bravery and sac-

rifice and not one that sets up unnecessary obstacles to their becoming citizens.

I thank my distinguished colleagues for supporting the bill. I again express my appreciation to Chairman WARNER for including language in the Defense authorization bill that directs the Department of Defense to determine if any additional measures can be taken to assist in the naturalization of qualified service members and their families.

I also strongly support the action of the President, retroactive to September 11, 2001, to exempt military members from the requirement to serve 3 years on active duty before applying for citizenship. We must always remember that our own freedom was not won without cost but fought and paid for by the sacrifices of generations who have gone on before us. We must honor the heroic dead for their courage and commitment to the dream that is freedom, and we must honor the worthy heroes who fight today and embrace them as our fellow citizens.

In 1944, Winston Churchill spoke at Royal Albert Hall to the combined British and American troops and reminded them of a greater cause they served, regardless of the bounds of nations or cultures. He said:

We are joined together in this union of action which has been forced upon us by our common hatred of tyranny, shedding our blood side by side, struggling for the same ideals, until the triumph of the great causes which we serve shall be made manifest. . . . Then, indeed, there will be a day of Thanksgiving, one in which all the world will share.

In Iraq, the brave men and women of our Armed Forces and the coalition forces fought against those who hate our Nation's values. They hate us because we believe that all men are created equal regardless of their nation of birth, regardless of their religious faith. They hate us because we believe in the God-given rights to life, liberty, and the pursuit of happiness, rights that extend to all mankind. They hate us because we still say: Give me your tired, your poor, your huddled masses yearning to breathe free.

These brave immigrant soldiers are taking on the uniform of our Nation, serving under the flag of our Nation, and fighting the enemies of our Nation and our values. It is only right that they should be welcomed as citizens of this great Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Virginia.

Mr. WARNER. Mr. President, to my knowledge, there are no other speakers on this side of the aisle.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend Senator KENNEDY and all of his cosponsors for offering this amendment. The Senator from Massachusetts has identified a significant shortcoming in our current naturalization law. When we have people who are here

legally, legal immigrants who have green cards, who join the Armed Forces, who put their lives on the line for our Nation, the least we can do is to make it easier for them to become citizens through the naturalization process.

A number of things in this amendment highlight the clear and simple message we are trying to send to the men and women who are willing to go into harm's way for us and to make the commitment to our Nation that military service involves.

Just a few elements: Naturalization can be carried out abroad. Right now that is not possible. Men and women of the military would have to come here, back to the geographical limits of the United States, in order to become naturalized. They could be assigned abroad, on duty abroad, and surely we want to make it possible for them to file their naturalization papers, to be interviewed, to take the oath to this Nation abroad at U.S. embassies or consulates or military installations.

We also ought to take care of the members of the family of those who are killed or who die as a result of injury or disease that is incurred pursuant to military service. Those families, those noncitizen spouses and unmarried children and parents, who could become citizens while the loved one is alive surely should not lose that status and protection when the loved one is killed or lost in action or as a result of injury or disease.

So what is done here is fundamentally human but also fundamentally significant in terms of what this Nation is all about. The men and women who are willing to join our Armed Forces to go and put their lives on the line for this Nation surely are owed a major debt by our country. One way we can in part pay this debt to them as well as to all members of the Armed Forces is to adopt the Kennedy amendment.

Again, I commend him and all the cosponsors for offering it.

Mr. HATCH. Mr. President, I am pleased to support this amendment, which provides a more expeditious naturalization process for the brave noncitizens who serve in our Nation's military. It is a recognition of and an expression of appreciation for their dedication and sacrifice during this time of conflict. Moreover, this amendment reflects our Nation's compassion and gratitude to those who gave their lives in defense of our freedom, as it grants, for the first time, derivative benefits to the immediate family members of these fallen men and women who only became citizens posthumously.

Senator KENNEDY's amendment allows members of the military to apply for naturalization after 2 years of service instead of 3 years. It also provides for naturalization proceedings overseas so that the servicemen who serve abroad may become citizens without having to travel back to the United

States at their own expense. In addition, the amendment benefits the immediate family members of servicemen who died in combat and are granted posthumous citizenship. Now, these family members will have at least an opportunity to derive immigration benefits based on the posthumous grant of citizenship. Indeed, this amendment allows these family members to stay in the country for which their loved ones gave their lives.

I thank Senator KENNEDY for his effort in reaching out for bipartisan support on this amendment, and for his willingness to accept the input and suggestions from Democrats and Republicans alike. In particular, I am grateful that Senator KENNEDY accepted my proposal to close some loopholes so that alien smugglers and other worthy individuals do not inadvertently reap a benefit from this amendment. I am confident that this amendment now appropriately reflects the values and virtues that are inviolable to all of us as Americans.

Mr. CHAMBLISS. Mr. President, I am pleased to support this amendment to provide for the men and women who serve in our armed forces. I particularly want to express my heart-felt appreciation to the families of servicemen who gave their lives in our fight for freedom and victory in Iraq.

This amendment accomplishes three purposes. First, for permanent residents who serve honorably in our Armed Forces, it changes the waiting period from 3 years to 2 years of service in order to begin the naturalization process. This provision also requires the Department of Defense to formulate a policy to ease and facilitate naturalization for these men and women.

Secondly, the amendment provides a process of immediate naturalization for our selected reserve Armed Forces serving during a time of hostility. In today's military, we rely heavily and strategically on our reservists, and it is only fair to extend this benefit to reserve as well as active duty personnel serving our country in a time of war.

Thirdly, the amendment benefits the immediate family members of servicemen who are U.S. citizens killed in combat. These immediate family members may be non-immigrants who rely on the citizenship of their spouse, father or mother, or even son or daughter to adjust their status to become permanent residents and eventually citizens themselves. In honor and respect of U.S. citizens who die in combat, this amendment will provide their families the temporary ability to continue the immigration process.

This amendment further complements a bill that my Georgia colleague, Senator MILLER, and I passed in the Senate 2 months ago. That legislation expedites the granting of posthumous citizenship to immigrant soldiers who die in combat. Our bill and the amendment offered today reduce the waiting periods, eliminate the red tape, and reward those who serve in our

armed services and especially those who make the ultimate sacrifice while defending freedom.

Today we will adopt an amendment to further respect servicemen like 19-year-old Diego Rincon from Conyers, GA, who was killed in Iraq. These members of our armed forces, whether citizens or permanent residents, and their families should be fully appreciated for their service to our country, and in some cases, receive the benefit of continuing the process to become citizens.

Mr. BROWNBACK. Mr. President, I am pleased to join Senators KENNEDY and MCCAIN today in submitting an amendment to honor the contributions of immigrants who have shown their dedication both to this country and to creating a better future for themselves by joining the military. This amendment will do two critically important things: it will offer easier access to naturalization for immigrant men and women of our armed forces, and it will establish immigration protections for their families if they are killed in action.

Having just been through a tough period of war, it is especially important to recognize those who fight on our behalf to preserve our freedom and our way of life. This is particularly true for those immigrants who have too often given their lives to defend our principles.

This is poignantly illustrated by an anecdote from the President's visit to Bethesda Naval Hospital with his wife, Laura, back in April. In the press conference afterward, visibly moved by the heroes he met, he noted a special moment for him—witnessing two wounded soldiers sworn in as citizens of the United States. As the President put it himself, "You know we got an amazing country where so powerful, the values we believe, that people would be willing to risk their own life and become a citizen after being wounded. It's an amazing moment. Really proud of it."

The President's words speak to exactly why this legislation is so important—and so worthwhile. These men and women are willing to risk their own lives on our behalf, even though they are not yet citizens of this country.

In fact, there are more than 30,000 noncitizens on active duty in the U.S. military—approximately two percent of the total U.S. forces—who are willing to risk their lives on our behalf without the privileges of citizenship. In the Reserves and the National Guard are another 20,000 noncitizens. These immigrants have proven a dedication to our country by joining the military or the Reserves or National Guard, dedication which should be recognized and rewarded.

Our amendment will do that. First, it provides easier access to naturalization to members of the armed services who are already lawful permanent residents. Currently, being a member of the armed services allows a permanent

legal resident to reduce their wait time for naturalization from five years to three years—our legislation would reduce the time to only two years. It would also ease this process by allowing naturalization interviews and oath ceremonies abroad at U.S. embassies, consulates, and overseas military installations, and by waiving naturalization fees.

In addition, the language provides for the immediate families of immigrant service personnel killed in action by either giving them the opportunity to legalize their immigration status or by allowing them to proceed with their own applications for naturalization as if the death had not happened. By protecting their immigration status, this element provides critical acknowledgment of the sacrifices that the families of our military members make as well.

Finally, the amendment remembers those courageous men and women who ensure that in times of war or hostility, our country is ready and our recruiting needs are met, by saying that members of the Reserves or National Guard will have expedited naturalization during times of war or hostile military operations.

It is easy to see why so many groups are supporting this amendment—from the Veterans of Foreign Wars to the Non-Commissioned Officers Association to the National Council of La Raza to the National Asian Pacific American Legal Consortium, among others.

This amendment on the naturalization and family protection for military members is a vitally important piece of legislation that both honors and rewards immigrants to this nation. They are already legal permanent residents—this simply ensures that they have the opportunity to truly become a part of this country through citizenship. Therefore, I urge my colleagues to support this amendment today.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I observe no other speakers to this important amendment. The managers of the bill are prepared to take it on a voice vote. Therefore, I urge adoption of the amendment.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield back his time?

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 847.

The amendment (No. 847) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we will proceed to a second amendment. Prior to that being done, I wish to advise the Senate there is a third amendment regarding the BRAC process which will

be introduced by the Senator from North Dakota and the Senator from Mississippi. At this time, so the Senate is aware, we will ask for the yeas and nays on the amendment that will be offered.

The PRESIDING OFFICER. There is no amendment offered.

Mr. WARNER. We will wait.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from North Dakota is here. If I yield, he can go forward. I am happy to withhold.

Mr. DORGAN. Mr. President, I am waiting for Senator LOTT. I know he is near the Chamber. As soon as he arrives, we are ready to go. The Senator from Nevada may proceed first.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 848

Mr. REID. Mr. President, I call up amendment No. 848.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. MCCAIN, Mr. DORGAN, Mr. INHOFE, Mr. NELSON of Florida, Mr. JEFFORDS, Ms. COLLINS, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, and Mr. BIDEN, proposes an amendment numbered 848.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability)

At the appropriate place in title VI, add the following:

**SEC. \_\_\_\_ FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.**

(a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

**“§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans’ disability compensation**

**“(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.**—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans’ disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

**“(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.**—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member’s retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member’s retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member’s service in the uniformed services if the member had not been retired under chapter 61 of this title.

**“(c) EXCEPTION.**—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member’s retirement.

**“(d) DEFINITIONS.**—In this section:

**“(1) The term ‘retired pay’** includes retainers pay, emergency officers’ retirement pay, and naval pension.

**“(2) The term ‘veterans’ disability compensation’** has the meaning given the term ‘compensation’ in section 101(13) of title 38.”.

**(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.**—Sections 1413 and 1413a of such title are repealed.

**(c) CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

**“1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans’ disability compensation.”.**

**(d) EFFECTIVE DATE.**—The amendments made by this section shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

**(e) PROHIBITION ON RETROACTIVE BENEFITS.**—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date applicable under subsection (d).

Mr. REID. Mr. President, I rise today with Senators MCCAIN, DORGAN, INHOFE, BILL NELSON, JEFFORDS, COLLINS, EDWARDS, BINGAMAN, and MURRAY to offer an amendment on behalf of our Nation’s disabled veterans.

This amendment would end the longstanding injustice that prevents disabled veterans from drawing the disability compensation and retirement pay they have rightfully earned. It sounds unusual, but it is true. This prohibition on “concurrent receipt” has plagued our veterans for more than a hundred years.

First, I thank Senators LEVIN and WARNER for their support on this issue year after year. As a result of their dedication, deliberation and fairness in conference, we have been able to make some progress each year, and I commend them for the work they have done. The establishment of the special compensation programs has ensured that about 30,000 veterans can receive the benefit of both retirement pay and disability pay. But there are still hundreds of thousands of disabled veterans who need our help.

Many people wonder why we return to this issue year after year in an attempt to keep this fight alive. After all, the White House and the Pentagon are opposed to concurrent receipt, and we are told by OMB there is no money for it. So why take up the struggle year after year in this environment?

For me, it is simply a matter of fairness. Why would we deny a veteran who served honorably for 20 years the right to the full value of his retirement pay

because his service caused him to become disabled? That is what this terribly unfair law does. A retired and disabled veteran must deduct from his retirement, dollar for dollar, the amount of disability compensation received. In many cases, the effect is to totally wipe out the retirement pay. The end result is that the disabled military retiree loses all the value of his 20 or more years of service to our Nation. We don’t subject any other Federal retiree to this kind of offset—only our disabled military retirees.

Let me give you a specific example that strikes close to home for this Senator. MAJ Len Shipley is a decorated Marine Corps officer from Henderson, NV. He served combat tours in Vietnam and in the first Gulf War. He retired in 1993 with 26 years of honorable service—13 years enlisted and 13 years as an officer. Tragically, last year, Major Shipley developed Lou Gehrig’s disease, a terminal illness for which there is no cure. This disease kills most of its victims within 18 months of diagnosis. There are exceptions, of course, and I hope Major Shipley is one of them. But in all likelihood, he doesn’t have much time left to live.

Subsequent to this diagnosis, the VA found Major Shipley to be 100 percent service-connected disabled. He was drawing his full retirement pay prior to receiving his disability rating, but once he was found to be entitled to disability compensation, he lost almost \$2,400 of his monthly retirement pay because of the prohibitions on concurrent receipt. Major Shipley’s wife, already a Navy reservist, has been forced to work overtime as a nurse in the local hospital to make ends meet. Her husband’s disability—and now the loss of the retirement pay he has been collecting for more than a decade—has impacted her family severely.

We should be doing things to make Len Shipley’s life better, not worse. He served his country honorably. The restriction on concurrent receipt is fundamentally unfair, unwise, and unsound policy. We should fix it.

I understand the new special compensation programs were designed to help veterans like Len Shipley, but he was told he does not qualify for this Severely Disabled Compensation Program because he received his disability rating more than 4 years after his retirement. Mr. President, Lou Gehrig’s disease does not pause to consider when its victims retired from the military.

We still don’t know whether Major Shipley will qualify under the Combat Related Special Compensation Program. I hope the program will be fairly administered, but I am already concerned about a Pentagon ruling that excludes the National Guard and Reserve forces from eligibility for special compensation benefits. I hope this is simply a mistake by the Pentagon that will be corrected immediately. If you are combat disabled and retirement eligible, why should it matter whether



you served on active duty, the National Guard, or the Reserves? It was never the intent of Congress to exclude the National Guard and Reserves from the Special Compensation Program.

But these special compensation programs are necessary only because this ancient prohibition on concurrent receipt is still on the books. It is time to finally end the prohibition, get rid of the special compensation programs, and lift this unfairness from the backs of the disabled veterans.

The support for concurrent receipt in the Congress is clear. I have mentioned a few cosponsors of this most important amendment, but I believe if we shopped it, most of the Senate would sign on. About 90% of the entire 107th Congress was on record supporting full concurrent receipt in the 2003 National Defense Authorization Act. Disabled military retirees were extremely disappointed when the legislation fell short after a veto threat by President Bush.

So it is time for us to demonstrate a sense of fairness to our retired disabled veterans. Let's end this prohibition once and for all. I urge my colleagues to support this most worthy amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I commend Senator REID for his constancy and his commitment to this cause. His leadership has been nothing less than extraordinary. Last year, the legislation, which he initiated, to repeal this prohibition had 82 cosponsors. He has continued to fight for this repeal, fight the administration's significant opposition. I support that effort, and I think it is particularly important at a time when we have troops being shot at in Iraq and in Afghanistan. We know some of our service members are going to suffer injuries and disabilities because of that service and service elsewhere. We must assure them that if they complete a military career, they will not be deprived of the benefits they have earned. So I support this amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, our committee through the years has addressed this very important amendment. I, too, commend the distinguished Senator from Nevada, who has been the spearhead, together with others, on this issue. He has enumerated others, including Senator MCCAIN on this side, who have fought so hard for this measure. Senator LEVIN just spoke of his endorsement, and I now add mine.

I don't wish to prolong this because in last year's record I spoke extensively on this measure. Each time I have addressed it, I have mentioned I have had two brief tours of active military duty, but pretty much of a lifetime association with the Reserves and the Guard in my State and others. My military career is insignificant com-

pared to that of many valiant members of the Armed Forces, generations of whom, hopefully, are to be benefited, quite properly and justifiably and fairly, by this legislation.

I see no further speakers on our side.

Mr. REID. Mr. President, if I may say one thing, the Senator from Virginia has stated—and I heard him say this—his military career is insignificant. The Senator's military career, of course, was significant. Anybody who serves in the military adds to the dimension of our defense posture in the country.

I want the RECORD to reflect that the armed services, the men and women who serve in the U.S. military, have been improved as a result of the service of the Senator from Virginia as a member of the Senate. He has been devoted to the committee that is now handling this legislation, and the teamwork the Senator from Virginia has shown with the Senator from Michigan—talk about insignificant, mine is really insignificant; I have had no military service. I proudly serve in the Senate, doing what I can to help those people who have served in the military and are serving in the military.

My service in trying to accomplish what I think is important for the military is really insignificant compared to the work done by the two managers of the bill. When the history books are written about this era of our country, there will have to be a chapter about what has been done by the two Senators who are managing this bill for their cooperation, partnership, and for moving this legislation forward.

It would be very easy to have a very agitated relationship. We do not have that here. Senator WARNER and Senator LEVIN set an example for the rest of the Congress as to how people can work together, even though their views may not always be in sync, to work together for the betterment of the country.

I thank them very much for working so hard on this legislation, as they have over the years. But for the two of them, as I have already stated on the record, we would not be anywhere. We can pass all kinds of legislation in the Senate, but when it passes Statuary Hall and goes to the House, many times issues are gone.

As a result of the work of Senator WARNER and Senator LEVIN, veterans in this country will forever be helped.

Mr. DORGAN. Mr. President, will the Senator from Nevada yield?

Mr. REID. I will be happy to yield, but before yielding—I was going to say this—the Senator from North Dakota has been—I am trying to find a word to describe the push and pull, the ability to put legislation at the forefront of what we do. The Senator from North Dakota has done a remarkable job. But for him, we would not be where we are.

I will be happy to yield.

Mr. DORGAN. Mr. President, I wish to observe that what the Senator said about the chairman and ranking mem-

ber is something most all of us in the Senate believe. They are two extraordinarily able people, and I am proud to serve with both of them. I think they produced a good piece of legislation.

I especially wish to say, as coauthor of the concurrent receipt legislation with Senator REID, I am pleased this will be accepted. My understanding is this will be part of the bill in the Senate. It is the right result for disabled veterans. I am very pleased they are allowing us to make this a part of the bill today. I thank Senator REID for his leadership.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am deeply humbled by Senator REID's kind remarks. I wish to say, certainly this is not about my own career. I always felt I benefited more from my brief tour of military service than did the military for my service in those days. I tried to, in a sense, pay back so that other members of the service today can have the same and greater benefits than I had. I would never have received a college education in all probability had it not been for the GI bill.

Although I did serve twice, I never placed myself in the category of combat arms and the valorous heroes of this great country but did my duty, as millions of others have, and was privileged to do so.

On the Committee of Armed Services, no one could have a more wonderful working partner than my colleague from Michigan. We have sat side by side this quarter of a century, but we have achieved a high water mark of bipartisanship because we are really there to be responsive to the needs of the men and women of the Armed Forces and the overall security needs of our country. As each President has sent forth his message to the Congress, we have done our best to fulfill that message.

I thank my colleague from Nevada and thank my colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I must add a word of gratitude to Senator REID for his always gracious commentary. This institution could just simply not function as well as we do with all of the roadblocks we face without Senator REID. He is utterly unique in this institution in terms of moving the process forward. When we have setbacks or differences, he has overcome more of those than any other person in this Chamber as he serves as our assistant Democratic leader. I think everybody on both sides of the aisle is very much in his debt for his work, as well as for his excessively flattering comments for which I am personally indebted. I thank Senator DORGAN as well for his comments.

One word about Senator WARNER. Like him, I always look forward to our work on the Armed Services Committee. To put it in a nutshell, I have

been blessed to have him as a partner. I just cannot conceive of having somebody with whom I would rather work on issues than having Senator WARNER working on them as he does day in and day out. I agree with Senator REID, it would not diminish his contribution militarily—

Mr. WARNER. We must move on, Mr. President.

(Laughter.)

Mr. LEVIN. I will take that as my time is up. I yield back the remainder of my time on Senator WARNER.

Mr. WARNER. Senator LEVIN should know my sentiments.

Mr. CHAMBLISS. Mr. President, I want to discuss Senator REID's amendment, which would permit retired members of the Armed Forces who have a service-connected disability to receive both their full military retired pay and disability compensation.

On March 27, I held a Personnel Subcommittee hearing with my colleague Senator NELSON specifically about this issue of concurrent receipt. Our colleague, Senator REID of Nevada, was the first to testify, and he was followed by Undersecretaries Dan Cooper and Charlie Able and several experts from the General Accounting Office, Congressional Budget Office, and various veterans groups. There was a lot to learn about the intricacies of Federal benefits and compensation, but ultimately the hearing reinforced the fact that this legislation is extraordinarily complex and expensive.

All said though, I intend to support this amendment because this compensation is long overdue for our Nations' veterans. It is unfortunate that the cost of concurrent receipt is so high, but America's veterans have earned their benefits through their long service to our Nation.

Last year, Congress funded a form of special compensation for retired soldiers who had certain combat-related disabilities. The first check for this limited compensation will be cut on July 1, 2003, and this is good news for those veterans who qualify. This is an important step in the fight to help our nation's veterans but we must do more.

These benefits for veterans and their families are important and we should honor those who interrupted their lives and the lives of their families to defend this country and preserve our freedom.

Mrs. LINCOLN. Mr. President, I rise to speak in strong support of the amendment offered by my friend and colleague from Nevada. This proposal to overturn current law that prohibits concurrent receipt of retired pay and disability benefits for military retirees with 20 years of service is long overdue. I believe the current policy is unfair and that our military retirees should receive their entire benefits package, just as any other Federal worker would.

Last year, the administration and leaders of the House and Senate Armed Services Committees negotiated a compromise that partially repealed the

dollar-for-dollar offset for certain military retirees who also receive VA disability pension benefits. Although the passage of this provision represented a step in the right direction, I recognize that many veterans who sacrificed to defend our freedom did not benefit under the compromise signed into law last year. That is why I am proud to support, once again, the amendment before us today to fully repeal the dollar-for-dollar offset.

I have the highest respect for the men and women who have served our Nation in uniform. I congratulate the Senator from Nevada for his leadership on this important issue and I am pleased to join him and others today in honoring the sacrifice of the veterans in my State who have served our Nation so well.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 848.

The amendment (No. 848) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we are about to turn to an amendment by our colleague from North Dakota and our colleague from Mississippi. I say to these two fine, outstanding colleagues, while I must oppose this amendment, I have rarely seen such extraordinary tenacity as exhibited by these two Senators in their strong convictions with regard to the matter that is about to be put forward. I wonder if the two Senators will offer the amendment, and then I wish to do a housekeeping measure with regard to the vote.

The PRESIDING OFFICER. The Senator from North Dakota.

#### AMENDMENT NO. 849

Mr. DORGAN. Mr. President, I send the amendment to the desk on behalf of myself, Senator LOTT, Senator DURBIN, Senator BOXER, Senator SNOWE, and Senator BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. DORGAN), for himself, Mr. LOTT, Mr. DURBIN, Mrs. BOXER, Ms. SNOWE, and Mr. BINGAMAN, proposes an amendment numbered 849.

Mr. WARNER. Mr. President, I wonder if I may ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

The amendment is as follows:

(Purpose: To repeal the authorities and requirements for a base closure round in 2005)

At the appropriate place in the bill, add the following:

#### SEC. \_\_\_\_ REPEAL OF AUTHORITIES AND REQUIREMENTS ON BASE CLOSURE ROUND IN 2005.

(a) REPEAL.—The Defense Base Closure and Realignment Act of 1990 (part A of title

XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking sections 2906A, 2912, 2913, and 2914.

(b) CONFORMING AMENDMENT.—Section 2904(a)(3) of that Act is amended by striking "in the 2005 report" and inserting "in a report submitted after 2001".

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that any votes ordered with respect to H.R. 1588 be postponed to occur at 2:50 p.m. today; provided further, that immediately following disposition of any pending amendments, the bill then be read a third time and the Senate proceed to a vote on passage, as provided for under the previous order. I further ask unanimous consent that passage of S. 1050 be vitiated, and that following the passage of H.R. 1588, the Senate substitute be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is we have 15 minutes on our side in support of the amendment; is that correct?

The PRESIDING OFFICER. The amendment has 30 minutes equally divided. The Senator is correct.

Mr. DORGAN. Mr. President, I wish to be reminded when I have consumed 5 minutes.

This amendment is really quite simple. It would rescind the provisions of law that now exist authorizing a round of military base closures in the year 2005. The Senate actually voted on this a couple years ago, in a relatively close vote, regarding an amendment offered by Senator BUNNING, supported by Senator LOTT and myself.

I bring the amendment to the floor with my colleague, Senator LOTT from Mississippi, today for a number of reasons. Let me begin to describe them.

First of all, President Bush says—and he is right—we are at war, a war against terrorism. We do not know when the war will end. We do know that on 9/11 2001, this country was struck by terrorists. Since then we have sent our forces to fight a war in Afghanistan and a war in Iraq, and we know there are significant other challenges that confront us. Yet the 2005 base-closing round, the one that provides for a BRAC Commission, was conceived prior to 9/11.

The shadow of 9/11 is long and has changed virtually everything. But we have not changed our pre-9/11 notion that we should have a base-closing round in 2005. Before 9/11 Secretary Rumsfeld said: Let's close as many bases in one round as we did in all four previous base closure rounds.

There are two reasons I think this is a bad idea. No. 1 is a military reason. We do not know what the military is going to look like 5, 10, and 20 years from now. We do not know how big it is going to be. We do not know the force



structure. We do not know where our troops will be based. We have no idea how many troops will be based in Asia, in Europe, or the United States.

If we bring troops home from Europe, for example, where will we base them in the United States? We have mechanized divisions in Europe that were there to protect Western Europe against the Communist threat from Eastern Europe. But, of course, the Warsaw Pact and Communist Eastern Europe no longer exist. So will we bring those divisions home? If so, where will we house them?

We know the Army does not have enough large mobilization bases. That was proved when we mobilized the Guard and Reserve in the war against Iraq.

So all of these issues beg this question: What is the threat? Is the threat different now since 9/11? The answer is, yes. Do we know the answers to how will we reconstruct, reconfigure, and reformulate our defense establishment and our military to respond to this new threat? As it is now, before we develop the answers to that question, we will be propelled into a round of base closings that, in my judgment, could be very counterproductive to our military preparedness.

We might need more bases for homeland security purposes in this country, rather than fewer bases. I do not know. But before we know, the Pentagon wants to go ahead with a round of base closings which itself will be very expensive and very costly.

Two things: One, everything has changed since 9/11, except we still have in place this requirement for a BRAC round in 2005. It ought to be struck at this point. If there is unneeded capacity, let us respond to that and do it in a thoughtful way. But let's not put every military installation in this country at risk of being closed.

Second, I cannot think of a worse time to be considering this. We have an economy that is sputtering in this country. It is weaker than we would like it to be. In every major city, where there is a military installation, if an investor is told, oh, by the way, this military installation could very well be closed as a result of a 2005 BRAC round, what do you think an investor is going to do? What do you think a lender is going to do? They are going to say, we have to wait.

There is no quicker way to stunt economic growth in cities with military installations than to say there is going to be a BRAC round in 2005. Virtually every single military installation will be at risk of closure. In some States, and in some communities in those States, that closure of a military installation, according to studies, will mean there will be 20- to 30-percent unemployment.

Do you think it stunts the economic growth in those communities right now to have that specter in front of their military installation? The answer is, yes, of course.

So for two reasons, one a military reason and the other dealing with the precarious position of this country's economy, we ought to scrap the 2005 base-closing round. That does not mean that we should not be able to close some military installations that represent excess capacity. Of course, we should. But we ought not to create a commission that is required to meet in 2005, with a judgment that every military installation in this country will be at risk and potentially on the list. We ought not do that in contradiction to what we know is in the best interest of this country's military needs and also economic needs.

That is why Senator LOTT and I have offered this amendment. We have had some close votes on these issues, and they should not be represented as votes between people who believe we should never close a base versus those who believe we should always use a BRAC. I think there is room in between. It is just that at this time, at this place, at this intersection, with respect to our military needs and also our economic requirements, we ought not leave in law a requirement for the 2005 base-closing round. So I hope very much that we will receive a favorable vote on our amendment.

I am mindful that the White House senior advisers would recommend a veto to the President if this bill had this in it. I am sure my colleagues will point that out.

I cannot conceive of a President vetoing this bill because of this particular provision. This bill is a big bill. It is a good bill. Senator WARNER and Senator LEVIN have given the administration almost all they want and need in this bill. This is a significant Defense authorization bill. I cannot conceive of an administration upset that we scrapped the 2005 base-closing rounds and then decide that they should veto this bill. I simply do not think that will happen. They have every right, of course, to use that as a technique prior to our vote to say vote for this and we will veto the bill, but I do not think there is a ghost of a chance of them doing that.

I do think it is in the public interest, both for military and economic reasons, for the amendment that Senator LOTT and I are offering to be passed by this Senate and to go to conference in the Defense authorization bill with the House of Representatives.

I know my colleague from Mississippi wishes to speak. I thank him for his co-sponsorship. He has worked on this issue for a long while, not just this year or just last year. Senator LOTT has felt very strongly about the process of BRAC and its consequences, and I am pleased to join with him to express these concerns today and hope that we will get a favorable vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I appreciate very much the generous effort

put forward by the Senator from Virginia, Mr. WARNER, and his ranking member on the Armed Services Committee, Mr. LEVIN, to make sure we had an opportunity to offer this amendment. He could have been so disposed to try to block it or stiff us or in some other way undermine the effort to have a full debate and a vote on this issue but he chose not to do that. I do appreciate it very much. He is always generous and kind, and he has proven that is the way he is proceeding on this amendment and this bill also. So I thank him.

I have worked very closely on Defense authorization bills ever since I came to the Senate some 15 years ago. I served on the Armed Services Committee for a number of years, I think almost 7 years. I worked there with Senator WARNER, Senator MCCAIN, and others in a bipartisan way. I can remember struggling as leader to find the time to carve out for the Defense authorization bill to be passed so the appropriators did not have to just move forward without an authorization bill, which I think is not a good way to proceed. Quite often, it took a couple of weeks to get it done. This year, this bill, which is I think one of the best Defense authorization bills I have seen in a long time, got through in almost record time, at least in recent history.

We were told that it might actually get through in 2 days. Well, I did not believe that, but I think when all of it is added up it may be 5 days, which with a bill of this importance and this magnitude, it is still warp time, and it is because the committee did a good job. They have a good bill, and I commend them for that. So my support of this amendment in no way should be an indication that I do not appreciate the work that has been done and the considerations that have been given of the issues that I really do care about and that are in this bill.

I think the record will also show that I have been consistent on this BRAC idea. Just a little history that maybe I should offer today, going back to when I was in the House of Representatives and I was the Republican whip in the House and on the Rules Committee. One day I was ambling up the center aisle and I met up with this young Congressman, maybe on his first or second term, named Dick Armey from Texas. He had this brilliant idea called BRAC, the Base Realignment and Closure Act. He wanted to know how he could get that done. I look back on it and question my judgment, but I told him as a member of the Rules Committee and the Republican leadership, well, this is probably how you would need to do that and how you would need to proceed, and explained what happened in the Rules Committee.

At that point, I said I do not agree with what you are trying to do. I think this is an abdication of responsibility. We should not be doing this, and if you think this is going to take politics out of it or make it easier, you have not been around long enough.

Well, dang if he did not go out and do it. So I am partially to blame, I guess, for the process that was put in place by that young Congressman who went on, of course, to be the majority leader.

The reason why I think it is an abdication of responsibility is, look, we have closed bases before. We did it after World War II. We did it after the Korean war. We did it after the Vietnam war. How do I know? I know of bases all around my region of the country: Brookley Air Force Base in Mobile, AL, the Greenville base, the Grenada base, the Greenwood base in my own State, lots of bases. How was that done? The Pentagon, particularly the military service personnel, looked at these bases, at what the requirements were and where the redundancy was. They made recommendations to Congress of what bases needed to be closed. In many instances, I do not know exactly how it worked, they either had to affirmatively approve it or, if they did not disapprove it, they could be closed. We could work that process out but, no, no, we want a process where we can say, no, I do not see it; I do not hear it; I am not involved, do not tell me about it; I do not want it.

What is the responsibility of the executive branch and the legislative branch? That is to do our job. I think this process takes out the considerations that can be given by a Congressman or by a Senator who knows about a base in Virginia or Montana or wherever it may be. They know all the ramifications, what the needs are, what the problems would be if it is closed.

I have never liked this process. The process has not been that unfair to me or to my State. We fared pretty well but then we do not have a whole lot of bases as compared to other States. But we were on the lists. Oh, yes, we were on the lists. There were bases that really should not have even been on the list. It does affect the economy and it does affect the people.

The cities and the States go out and hire Washington people who used to work on the Hill or worked at the Pentagon to be lobbyists.

Millions of dollars will be spent across America in fearful anticipation of this next round of BRAC, even in places where they are not going to be closed.

I have urged those responsible, if you are going to do this, target it where there is redundancy and there needs to be closure; specify those areas, and do not say, well, it could be every base. If you don't, hundreds of bases will be on the list. If they have been on the list before, they may be again. Everyone will run out and start trying to deal with this problem.

Some say people are not really worried about it. Once a month, I do a satellite feed to television stations in my State. Almost every month I get a question: What is happening on BRAC? Are we going to be on the list? They are in fearful anticipation. One in par-

ticular I refer to probably will not be on the list, but they are scared to death.

I question it on that basis. If you think this takes politics out of the process, take a look at the last process during the 1990s. There was a lot of concern about some on the list or taken off the list. Human beings are involved. They will use every tool they can to affect it or protect themselves. We should not think this is some pure process. It is not.

Also, the timing. We have been through 2½ rounds. We still are dealing with some of the aftermath of that, the cleanup. Could we reacquire them? Have they been transferred to the cities and States? When will we know the full benefit or the detriment of that? Sometime later on. The timing now is what bothers me.

We have troops all over the world, thousands in Asia and Europe and Afghanistan and Iraq, fighting a war—not a battle, a war on terrorism. Then we will say, well, we are going to start closing bases. What about some bases in Europe? We have been talking about that for 20 years. Before I came to the Senate, we were talking how we needed to take a look at our basing requirements in Europe. The Soviet Union is gone. Didn't anybody notice? Yet we are still positioned in Europe as if we were going to go with tanks and heavy equipment into the Soviet Union. When are we going to get around to this?

In defense of the Pentagon, they are busy, they have a lot going on, and they have done a great job. They have not had the time, perhaps, to decide what we are going to do in Okinawa and South Korea and the rest of Asia and Europe and what the future will hold. That is my point. Why should we do this?

Before we start closing bases in America, we need a full assessment of what our needs are around the world. Will we bring the troops back? What will our efforts be to protect forces and be mobile? What do we need here?

I could have maybe gone along with a deal and said we will go forward with this once we have done the assessment and have identified what we will change in Europe.

I have learned around this place, never say never. I could conceive of a time and a circumstance where maybe this would need to be done. At this particular time, we have not properly assessed our needs. We are at war. It sends a terrible signal, and it is bad for the economy. We are trying to get the economy going, and it has a negative impact on the economy.

Colleagues, look at what has been identified here. The criteria for this round include military value. Does it have value as a military asset? Should it be eliminated or outsourced? Read that language carefully. Does it have value as a military asset? Is that a way of saying, Do we need the Corps of Engineers? Should it be eliminated or outsourced? Outsourced, is that what is behind all of this?

Jointness: Does the base possess multiservice functionability? What does that mean, we are going to combine Air Force and Navy pilot training? Have we thought that through?

Preservation of training areas: Does the base have unique training areas hindered by encroachment or environmental issues? That is a good thing to consider.

Homeland defense: Does it play a vital role in homeland defense? That is interesting. We should consider that. And cost and its economic impact.

One of the areas that worries me, my impression is a lot of attention will be given to health-related installations. Look down the list. We are talking about Army health clinics, a clinic in Alaska, talking about medical groups in Alabama. I am not sure that is the place we need to focus either. It will have an effect on military personnel and on our veterans at a time when we are making a commitment to them under TRICARE and telling our military personnel they will have good health care service. Are we going to be looking at closing the facilities around the country? Beware.

I urge my colleagues to vote for this amendment. This would knock it out of the 2005 round. Maybe 2006 would be considered. Maybe something could be worked out in conference. I invite my colleagues to pay attention to this. This will wind up being a huge problem in my prediction.

Mr. WARNER. It is always a challenge, Mr. President, to go toe to toe with my distinguished colleague from Mississippi. The citizens are blessed for having such a powerful and respected voice in the Senate. We have had a long and strong relationship. I am still proud to call you leader. And you exhibit that leadership and have done so magnificently, particularly here recently.

Quickly, I digress from what I intended to say by way of opening with a couple of points. That is, the BRAC process will not begin until Congress has received and reviewed an overseas basing master plan from both the administration and an independent commission to Congress authorized in the bill. Both of these reports should be available by August 2004. That is an important point raised. We have addressed it. That information will be before the Congress.

Second, under the law as written, the Senator brings out a series of points about what this law does to protect us. There is quite a litany of steps. Congress will have numerous opportunities during the process to affect BRAC actions.

First, Congress will review by joint resolution the proposed BRAC criteria submitted by the Department of Defense to Congress in February 2004.

Second, Congress will review the DOD proposed force structure in February 2004 and can pass legislation at any point in the process to terminate the authority.

Third, Congress can exercise "advise and consent" prerogatives on nominees to the BRAC commission.

Fourth, Congress has 45 days after receiving the commission's list of recommended base closures and realignments to pass a motion of disapproval.

The law has carefully been drawn to protect the interests of the several States and to give the tools to its elected representatives, Senate and House, to step into this situation at a series of junctures to protect the interests of their constituents as this process goes on.

I pick up on another phrase used by my distinguished leader. With respect to the BRAC process, he enumerated his long association. Indeed, I have had quite an association with it myself. I suppose I go back to 1969 to 1974 when I was in the Navy Secretariat and had the decision to close, for example, the Boston Naval Shipyard and the Newport, RI, destroyer base. I am reminded of that on the floor of the Senate with great frequency by the colleagues from those distinguished States.

Nevertheless, in those days we did not have a BRAC process. The Secretary of Defense, in consultation with his Service Secretaries—Navy, Army, and Air Force—moved unilaterally.

Congress came in. I remember going through days of hearings in the Senate caucus room. There must have been a dozen cameras focused on us while the various Members of the Congress berated this humble public servant, and the Chief of Naval Operations sitting next to me, with regard to the faulty process. Nevertheless, we had to move on.

At that point in time, we were overburdened with an infrastructure that simply no longer was needed to support the size of the forces we had. That is the very thing we are confronted with today.

For example, since the late 1980s, the Department has reduced force structure by 36 percent. That is the numbers of men and women in uniform, Guard and Reserve. But infrastructure—that is the barracks, the bases, the airfields, the training grounds that support that force—has been reduced only by 21 percent. That is showing the total disjunction between force level personnel and infrastructure to support and train those personnel.

A 1998 DOD BRAC report to Congress, validated by the Congressional Budget Office, indicated the Department of Defense had 23 percent excess capacity. That basically still remains. I ask my colleagues, what businessperson in your State does not evaluate their infrastructure and determine what is needed and what must be disposed of in order to maintain the basic profit line and viability and the ability to keep its employees? Of course, we accept that as a pattern of business.

I say most respectfully, the Department of Defense is a business, a very large business involved in a mission that is vital to the security, today, to-

morrow, and in the indefinite future of this country. The management of that business—four Presidents in sequence and the Secretaries of Defense acting under those Presidents—has come before the Congress and asked for the authority to bring into alignment the base structure as this country is rapidly moving, under the leadership of the current Secretary of Defense, to a transition of the Armed Forces so we can keep pace with modernization; whether it is the smart bombs we saw that were used in the most recent conflicts, or the new ships that are on the drawing board, or, frankly, the lifestyles of the soldiers, sailors, and marines.

When I was privileged to serve—we mentioned that more than we should this morning—I remember I slept in a barracks with 50 people all in one room. I was only 17 or 18. We got quickly adjusted to the lifestyle. We shared all types of facilities in World War II.

Today, we try to give our men and women of the Armed Forces living compartments, once recruit training is completed, where they have a certain measure of privacy and personal dignity that I think is owing to these people who volunteer today.

We cannot retain much of this infrastructure which is outdated, which still requires that it be heated, painted, maintained, drawing down O&M funds vital to build new facilities for the men and women of the Armed Forces.

I could go on about the needs of the services, but I bring to the attention of the Senate the letters that have been forwarded to this body. As a matter of fact, the letter approved by the President of the United States has just been sent to me at this very moment.

I will ask unanimous consent, during the course of this debate, that I can have printed in the RECORD letters from the Administration. Indeed, one from the Secretary of Defense makes it very clear that:

The authority to realign and close bases we no longer need is an essential element of ensuring the right mix of bases and forces within our warfighting strategy as we transform the Department to meet the security challenges of the 21st century.

Then the concluding paragraph—this particular letter went to the House of Representatives, but basically an identical one is being transmitted to the Senate:

If the President is presented a bill to repeal or delay BRAC, then I [the Secretary of Defense] would join other senior advisers to the President in recommending that he veto any such legislation.

Also accompanying that letter is a letter to me of 3 June, by the Chairman of the Joint Chiefs of Staff, supporting this current posture of BRAC; namely, that it is law today and joining me in urging Senators not to vote for the present legislation. I will quote the Chairman, General Richard Myers:

In an environment where resources are scarce, we must eliminate excess physical capacity to allow for increased defense capability focused on "jointness."

There we are. The two spokesmen who are entrusted by law—not the BRAC law but the overall framework of the law of the United States as it relates to our security structure—these two men state unequivocally their opposition to the amendment that is presently before this Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE,  
Washington, DC, May 13, 2003.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write to reiterate the importance we place on conducting a single round of base closures and realignments in 2005. We have just seen our troops demonstrate an unprecedented effort in fighting for freedom and against terror. But as I have expressed before, in the wake of September 11, the imperative to convert excess capacity into warfighting ability for potential conflict is enhanced, not diminished. The authority to realign and close bases we no longer need is an essential element of ensuring the right mix of bases and forces within our warfighting strategy as we transform the Department to meet the security challenges of the 21st century.

Through base realignment and closures (BRAC) we will reconfigure our current infrastructure into one in which operational capacity maximizes both warfighting capability and efficiency. BRAC 2005 will also help the Department eliminate excess physical capacity—the operation, sustainment, and recapitalization of which diverts scarce resources from defense capability. BRAC's ability to achieve significant savings has been thoroughly reviewed and validated by both the Congressional Budget Office and the General Accounting Office.

With the continuing demands of the global war on terrorism we must seek every efficiency to meet our national security needs. Now more than ever we have an imperative to convert excess capacity into warfighting ability.

If the President is presented a bill to repeal or delay BRAC, then I would join other senior advisers to the President in recommending that he veto any such legislation.

Sincerely,

DONALD RUMSFELD.

CHAIRMAN OF THE  
JOINT CHIEFS OF STAFF,  
Washington, DC, June 3, 2003.

Hon. JOHN W. WARNER,  
Chairman, Armed Services Committee,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: To ensure the security challenges of the 21st century are met, we must continue to transform the joint force. Capitalizing on the recent successes in Iraq and Afghanistan, BRAC 2005 provides us the opportunity to configure our infrastructure to maximize capability and efficiency.

In an environment where resources are scarce, we must eliminate excess physical capacity to allow for increased defense capability focused on "jointness."

I strongly support needed infrastructure reductions facilitated by BRAC 2005.

Sincerely,

RICHARD B. MYERS,  
Chairman of the  
Joint Chiefs of Staff.

Mr. WARNER. I want to return to Senator LOTT's comment when he said "Never say never," which indicates maybe someday a BRAC procedure. Senator LOTT very accurately portrayed the turmoil in the States, the

cities, the towns, and the villages where military installations are located. It is a very painful procedure by which the Department has to evaluate each of those installations and make the determinations which are no longer needed for the viability of a modern military. Consequently, the mayors, the city councils, the Governors are working very hard—I know in my State—as they are in each of your States at this time to prepare themselves for the unknowns of BRAC. Considerable dollars in the local budgets, and in the State budgets, are expended to hire those individuals they believe are expert in how best to go before the BRAC Commission, should a base or a facility in that State be put on the DOD list. The Governors can address that Commission, and indeed the Members of Congress, to state the case for not closing a base.

All this is going on at great expense. As Senator LOTT said, “Never say never.” Congress has spoken. It has put a law on the books under which our President is currently operating. He has indicated he is not going to let that law be removed. So if we take action today and send a signal that the Senate is repealing the previous law, there is a long course of uncertainty as to whether or not that decision by the Senate will stand. This President, whom I have come to respect enormously, when he says he is going to do something, does it. These communities—as Senator LOTT says, “Never say never”—will be in a great state of uncertainty for an indefinite period of time.

I do not say this by way of any threat. It is my own opinion. I believe the law that has been adopted by the President, that is in force, is going to stay in force. We better recognize that and get on with the business of this Nation to properly enable those of responsibility to realize the force and base structure of this country.

I yield the floor.

Mr. CARPER. Mr. President, an hour from now, we will have the opportunity to vote on an amendment pertaining to whether or not we go forward on the process called BRAC, the Base Realignment and Closure Act. For the last 20 years, we have debated in the House and the Senate, and around the country, whether or not we should take a look at our military bases—Army, Air Force, Navy, and Marine—to determine whether or not we have the right bases with the right mix of personnel with the appropriate aircraft, ships, and tanks, and decide whether the men, women, equipment, and materiel are where the bases are. We might have some bases that need to be closed, or perhaps we have some bases where we simply need to move men, women, equipment, and materiel to some other base where it makes more sense to maintain them.

Over the last month or two, we have debated our budget at some length. Today we find ourselves in a deplorable

situation with respect to our budget deficit. Two or three years ago, we enjoyed the largest surplus in our Nation's history. This year we are looking at what might be the largest budget deficit that we will have ever had.

I, for one—and I know I have many colleagues who feel this way, too—do not worship at the altar of a balanced budget, but I sure care about getting closer to a more balanced budget. When I was Governor of Delaware, we cut taxes 7 out of 8 years. We also balanced the budget in 8 straight years.

One of the things I found troubling about the tax cuts Congress just passed is that we do not come close to balancing the budget this year, next year, or for the next 10 years. That is a problem for our country. But we have taken the action that we are going to take with respect to taxes, and now, over the next several months, we will be turning to the 13 appropriations bills.

About a year ago, when we were discussing military spending, we had the opportunity to decide whether or not we wanted to take another close look at our military base structure, largely in this country but also outside this country, to see if we have it right: if we have the bases, the personnel, the weaponry, and the military equipment where we need it in the 21st century. There is some reason to believe we do not. The wars we have just fought in Iraq and Afghanistan were different from the one in which I served in southeast Asia. Subsequently, the wars of the 21st century—I hope there are none, but history would suggest that there probably will be—those wars are going to be different from the ones we had in the last century.

Our military leadership tells us in this administration, just as they did in the last administration, and as they did during the Reagan and Bush 1 administrations, that from time to time we need to look at our base structure and determine whether or not it is appropriate for the threats we face. I, for one, believe it is time to take another look at where we have our bases, how they are structured, and how they are manned.

To the extent we find bases that ought to be closed, for they simply do not have the personnel to support or the missions to demand that kind of infrastructure, then we ought to have the political courage, as difficult as it is, to close them.

We have a whole lot at stake in my State. The largest employer in the central and southern part of my State is Dover Air Force Base. It is a great base, with a great reputation. We would like to think they are immune from the threat BRAC might pose, but I suppose one never knows. We have worked hard, and people on the base work hard, to make sure they will never be on a short list for BRAC.

I spent about 5 years on active duty and another 18 years in the Reserves as a naval flight officer. I have been stationed at any number of bases which,

frankly, ought to be closed, if one looks at the people who were assigned to a particular base. Large bases with plenty of hangar space, plenty of space in the exchange and the other parts of the base, but not many people. I have been on other bases where they may have had the people who were stationed there but they did not have the support, whether it was the child development centers, schools, or other services for families.

This is not a bad time, as we face the threats of this century to our country, to look at the kind of military we are trying to shape.

Much is said of this administration's effort, led by Secretary Rumsfeld, to reshape and reform our military. Actually, a lot of the changes were undertaken in the last administration under the leadership of President Clinton and his Department of Defense Secretaries.

We want a military that is leaner in terms of personnel. We want a military that is better trained, better equipped, and better uses technology. We want a military that is able to deploy more quickly to trouble spots around the world. The threat we face, as we all know, is different today than it was 10 or 20 years ago. A lot different.

That also suggests to me this is a good time to slow down, to take stock, to assess where we have our men and women and materiel stationed around this country and the world and ask ourselves, does this allocation make sense? In many cases, it will; in some cases, it will not.

When we talk about budget deficits and bemoan the fact we have this huge budget deficit today, I don't want to hear from the administration, well, there is one thing we could have done to help whittle down that budget deficit a little bit without threatening our ability to defend ourselves or express our strength and extend our military strength around the world. I don't want it said that we undid what we agreed to do a year or two ago. I hope when we vote in less than an hour that we will support the position we took last year, we will let this commission be formed, we will let them do their work, and we will provide plenty of input to the commission as they do their work in our respective States, and in the end have an opportunity for an up-or-down vote on whether or not the status quo is just fine—I think it is not—or whether some changes are needed. Fair, reasonable, pragmatic changes are needed.

I yield the floor.

Mrs. CLINTON. Mr. President, today, I offer my support of the Dorgan amendment and oppose the base closing round scheduled for 2005. The world has changed since this legislation was voted on in 2001. I opposed it then and I oppose it now because we must complete an evaluation of our basing needs for the 21st century. And this argument carries more weight in this post-September 11 world.

Since we passed the base closing legislation in 2001, we have had the September 11 attacks, the war in Afghanistan, and the war in Iraq. Our men and women in uniform are operating under a tremendously demanding operations tempo. Until we are able to evaluate the lessons of these conflicts and how they should impact our base structure, it seems foolish to rush ahead to a base closing round that was conceived prior to September 11.

A number of New York installations have played a vital role in our homeland security as well as military action in Iraq and Afghanistan. As we know, troops from the 10th Mountain Division, Light Infantry, from Fort Drum fought in Operation Anaconda in Afghanistan and also contributed troops to Operation Iraqi Freedom. New York's Air National Guard units in Niagara Falls, Syracuse, Newburgh, Scotia, and Long Island have all contributed to homeland security or important missions abroad. And New York has numerous other installations that play an important role in our national defense and homeland security. Because our security needs have grown so much at home and abroad, we need to conduct a full evaluation of how our military bases fit into our homeland security structure before we push ahead with another base closing round.

Our troops need to know that we support them in their efforts. And standing by a bill that was passed in the months before September 11 does a disservice to them. It places communities under tremendous stress to have to prepare for a base closing round. As Senator DORGAN points out, it seems wasteful to ask communities in this economic climate to devote scarce resources to prepare for this round of base closures. And New York is no exception.

Until we can have a full debate on what form our post-9/11 military base structure should take, I will support the Dorgan amendment and oppose a 2005 base closing round.

Ms. SNOWE. Mr. President, I rise today as a cosponsor of the amendment offered by Senators DORGAN and LOTT to repeal the provisions in the fiscal year 2002 Defense authorization bill that authorize an additional base closure round in 2005.

Even before the horrific attacks of September 11, 2001, I along with many of my colleagues had serious questions about both the integrity of the base closing process itself as well as the actual benefits realized. Now, with acts of war committed against the United States, with Operation Enduring Freedom and Operation Iraqi Freedom ongoing, with our reservists having been called up and our troops being deployed and the unpredictability of future missions, this is not the time to be considering the closure of additional bases. Indeed, now, more than at any time in recent history, I believe it is absolutely critical that this Nation not sacrifice valuable defense infrastructure.

In addition, as we proceed in the stand up of the Department of Homeland Defense, we are still trying to understand the domestic military requirements of our nation. Until there is a complete assessment of these needs, we simply can't afford to lose more bases. After all, during previous base closure rounds over the last decade, the Northeast alone lost 49 bases, roughly 50 percent of what we had prior to BRAC. Furthermore, 173, or just under 35 percent of the installations on the East Coast, were closed during the previous rounds. Although the Department of Homeland Security will not take the place of the Department of Defense, all of our military installations will no doubt play a critical and prominent role in homeland security.

Instead of chasing illusive savings, I believe the Department of Defense needs a comprehensive plan that identifies the operational and maintenance infrastructure required to support the services' national security requirements. Once property is relinquished and remediated, it is permanently lost as a military asset for all practical purposes.

The administration and proponents of additional base closure rounds point out that reducing infrastructure has not kept pace with our post Cold war military force reductions. They say that bases must be downsized proportionate to the reduction in total force strength. However, the fact of the matter is, there is no straight line corollary between the size of our forces and the infrastructure required to support them.

Keep in mind, that force levels may have to be revisited once again in light of the new anti-terror mission our military faces, and may well require an increase. So would we then go and buy back property that we have given up in future base closure rounds to build new bases - I think not.

The Department of Defense hopes to eliminate 23 percent of its base structure in the 2005 BRAC round. That would exceed the 21 percent closed in all four of the previous rounds. Before we legislate defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense ought to be able to tell us, through a comprehensive plan, the level of operational and maintenance infrastructure required to support our shifting national security requirements.

Proponents argue that the administration's approach will be based upon military value and removes parochial and political factors from the process, but in reality, the administration's Efficient Facilities Initiative is more similar to past BRAC rounds than one might think. Much has been made of the de-politicization of the process by including "military value," "jointness," and the other criteria in the legislation. However, review of the last process reveals that these criteria are nearly identical to those used in

the 1995 round. This is very disturbing, because in my view, the past BRAC rounds were not fair or equitable, and were not based solely on military value.

I have been through BRAC before. And I have to say, I know how the criteria can be twisted to the advantage or disadvantage of a given facility. In fact we had not one but two Air Force generals defending the former Loring Air Force Base before a past BRAC commission; yet the Air Force claimed its facilities were "well below average"—and this despite the fact that \$300 million had been spent there over a ten year period to replace or upgrade nearly everything on the base and it ended up being closed on so-called "quality of life" issues even though that was never supposed to be part of the criteria.

I strongly believe Congress must also consider the economic impact of base closures on communities in light of the uncertainty regarding the nation's economy and in those communities whose economy is tied to military installations, the threat of closure will provide a deterrent to any recovery.

In August 2001, GAO issued an overview on the status of economic recovery, land transfers, and environmental cleanup in communities that lost bases during previous BRAC rounds. GAO found that the short term impact of a base closure was traumatic for the surrounding community and that economic recovery was dependent on several factors including the strength of the national economy, federal assistance programs totaling more than \$1.2 billion, and an area's natural resources and economic diversity.

Keep in mind, this assessment was done during a time of unprecedented economic growth and as GAO stated, the health of the national economy was critical to the ability of communities to adjust: "Local officials have cited the strong national or regional economy as one explanation of why their communities have avoided economic harm and found new areas for growth." GAO also noted: "Local officials from BRAC communities have stressed the importance of having a strong national economy and local industries that could soften the impact of job losses from a base closure."

With the slow-down of the economy, communities may not be able to rebound to the extent they have in previous years. Indeed, it is vital to note that not every community affected by base closures has fared so well in the past—those in rural areas still experienced above average unemployment and below average per capita incomes.

Advocates of base closure allege that billions of dollars will be saved, despite the fact that there is no consensus on the numbers among different sources. These estimates vary because, as the Congressional Budget Office explains, BRAC savings are really "avoided costs." Because these avoided costs are not actual expenditures and cannot be

recorded and tracked by the Defense Department accounting systems, they cannot be validated, which has led to inaccurate and overinflated estimates.

The General Accounting Office found that land sales from the first base closure round in 1988 were estimated by Pentagon officials to produce \$2.4 billion in revenue; however, as of 1995, the actual revenue generated was only \$65.7 million. That's about 25 percent of the expected value. This type of overly optimistic accounting establishes a very poor foundation for initiating a policy that will have a permanent impact on both the military and the civilian communities surrounding these bases.

I want to protect the military's critical readiness and operational assets. I want to protect the home port berthing for our ships and submarines, the airspace that our aircraft fly in and the training areas and ranges that our armed forces require to support and defend our nation and its interests. I want to protect the economic viability of communities in every state. And I want to make absolutely sure that this nation maintains the military infrastructure it will need in the years to come to support the war of terrorism. We must not degrade the readiness of our armed forces by closing more bases, certainly not at this time. Certainly not without information on our future defense needs that we do not have.

In closing, I reaffirm my opposition to legislation authorizing additional BRAC rounds and encourage my colleagues to join me in supporting the Dorgan/Lott amendment.

Mr. CHAMBLISS. Mr. President, I rise today to oppose the amendment in question. I don't think anyone in the U.S. Senate is looking forward to the upcoming BRAC round in 2005, including myself. BRAC will have a negative impact in Georgia should any of the bases or posts in my state be closed.

However, I am convinced fiscal realities and some over capacity issues exist which we absolutely need to address, and if we don't do it now we will have to do it later. Putting off the BRAC 2005 round now will only prolong the anxiety in our communities surrounding our military installations.

The Department of Defense has stated that they are as much as 25 percent over-capitalized in their installations across the country. I do not agree with that assessment but I believe that if we are serious about transforming the military for the 21st Century then we need to reduce capacity to more closely equal our force structure needs.

I personally have 13 major defense installations in my State of Georgia, and we are preparing now for the 2005 BRAC round. We have a tremendous amount to be proud of at every one of our Georgia installations and I never pass up an opportunity to say how proud I am of the soldiers, sailors, airmen, marines, Department of Defense (DoD) civilians—and their families—who serve at our bases. They have served our coun-

try well. And I believe our bases in Georgia are essential to the national security of the United States. All you have to do is look at the recent conflict in Iraq and see that Georgia's bases were all so strategically important. Georgia will prove that to the BRAC Commission when they come to visit us in the coming months.

Mrs. BOXER. Mr. President, I oppose the Pentagon's plan for a new round of military base closures in 2005. California has already endured more than its fair share of previous base closures. Of the 97 major military installations closed nationwide since 1988, 29 were in California. That's 30 percent of all major facilities closed.

Californians are all too familiar with the serious impact of closed military facilities on their communities. Jobs are lost, small businesses close down, and what is left is infrastructure that is difficult to reuse. In many cases, environmental contamination makes large tracts of land off limits until decades of cleanup are complete. By the Pentagon's own estimates, some closed California bases won't be fully cleaned up until 2069.

The former McClellan Air Force Base in Sacramento is a good example of the failure of the Department of Defense to clean-up bases that were closed through the BRAC process.

Rob Leonard, the former head of Sacramento's Military Base Conversion office, recently testified before the Senate Appropriations Committee about the status of McClellan. According to Mr. Leonard's testimony, 6 years ago the estimated cost to clean-up McClellan was \$832 million and was projected to take 30 years. Today, the cost is estimated to be \$1.3 billion and is anticipated to continue far beyond 2033.

At the same time, however, he goes on to say that "over the past two years the Air Force appropriation requests for the McClellan environmental program have not been fully supported by the Department of Defense and Congress; and as a result, the clean-up schedule has been adversely affected."

Another example is the former El Toro Marine Corps Air Station. This base, which was closed in the 1993 round of BRAC, will not be cleaned-up until 2034 at the earliest. The DOD's own estimates say that it will still take at least \$77 million to complete the work. Contamination on the base, including a nine acre hazardous-waste dump, has led to delays in the reuse and redevelopment of the site.

These former California bases are not the exception—they are the norm. Consider the estimated clean-up completion dates for the following California bases: George Air Force Base—2031; Castle Air Force Base—2038; Tustin Marine Corps Air Station—2038; Moffett Field Naval Air Station—2032; and Fort Ord—2031.

It seems to me that the military should finish one job before it starts another. The DOD should concentrate on cleaning up what has already been

closed so that these bases can be put to productive use by local communities.

Given that the Department of Defense continues to drag its feet on cleaning up BRAC sites while pushing for broad exemptions from environmental standards leads me to believe that it simply does not understand the importance of a safe and clean environment.

The Pentagon should focus its energy and resources on cleaning up the bases it has already closed rather than pursue another painful round of military base closures. I hope my colleagues share this view and I thank the Senator from North Dakota for his amendment.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute 45 seconds.

Mr. WARNER. I ask unanimous consent the Senator from Michigan be given 5 minutes—add an extra 5 minutes to both sides. As I understand, there is another Senator. Let's suggest we add another 10 minutes to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

Mr. President, I oppose the amendment. I believe the men and women in uniform and the taxpayers are served best by ensuring that this 2005 BRAC process go forward. Every day since September 11, they have been on the front lines of our daily fight against terrorism. They have been sent directly into battle in Afghanistan and most recently in Iraq. Every dollar wasted denies them the resources needed to ensure their success and their safety, and the success and safety of future men and women whom we place in harm's way.

The Department of Defense estimates that as much as 25 percent of their current base structure is excess to their needs. We are spending billions of dollars year after year maintaining infrastructure that we simply do not need. It is a waste of public resources to hold onto this infrastructure, and it is an impediment to our efforts to protect our national security.

Estimates of previous savings in previous BRAC rounds stand at \$17 billion. Perhaps more significant for this debate are the annual savings we could expect from future base closings which are estimated at \$6 billion a year. These savings have been documented countless times by the Department of Defense, by the GAO, and by the Congressional Budget Office in letter after letter saying the savings are significant. Our forces need resources for training, for technology, for weapons, and to maintain facilities in better condition.

How do we justify asking our forces to go into combat and into harm's way if we ourselves are unwilling to take the difficult steps to give them the resources that they need and deserve and



that we have the power to give to them?

One of the most important questions that has been raised is, Does September 11 change all of this? We answered that question 2 years ago when we adopted the 2005 round. We authorized it at that time, after September 11.

On November 16, 2001, GEN Richard Myers, Chairman of the Joint Chiefs, wrote us the following:

We estimate that 23 percent of our facilities are underutilized. The Services cannot afford the costs associated with this excess infrastructure. The Department of Defense must have the ability to restructure the installations to better meet the current national security needs. The sustained campaign against international terrorism will require wise use of our resources and the aggressive elimination of waste.

A letter written on October 15, 2001—a month after September 11—signed by I think every former Secretary of Defense, says:

We are concerned that the reluctance to close unneeded facilities is a drag on our military forces, particularly in an era when homeland security is being discussed as never before. The forces needed to defend bases that would perhaps otherwise be closed are forces unavailable for the campaign on terrorism. Further, money spent on a redundant facility is money not spent on the latest technology we'll need to win this campaign.

I ask unanimous consent that those two letters I have identified be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE  
JOINT CHIEFS OF STAFF,  
Washington, DC, November 16, 2001.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services,  
U.S. Senate Washington, DC.

DEAR MR. CHAIRMAN: As the Conferees deliberate the FY 2002 Defense Authorization Bill, allow me to emphasize how critical it is that Congress authorize another round of base closures and realignments.

Installations contribute to overall force readiness; however, excess infrastructure detracts from military readiness by diverting limited resources from personnel, training, equipment modernization, and transformation. We estimate that 23% of our facilities are underutilized. The Services cannot afford the costs associated with this excess infrastructure. The Department of Defense must have the ability to restructure its installations to better meet the current national security needs. The sustained campaign against international terrorism will require wise use of our resources and the aggressive elimination of waste.

Therefore, I strongly endorse pending legislation to provide the Department the required tools to reduce our excess infrastructure. This authority is necessary for our forces to become more efficient and thus serve as better custodians of taxpayer money.

Finally, on behalf of our magnificent men and women in uniform, thank you for your strong and dedicated support.

Sincerely,

RICHARD B. MYERS,  
Chairman of the Joint Chiefs of Staff.

OCTOBER 15, 2001.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services, U.S.  
Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter underscores the need for the Congress to approve an additional round of base realignment and closure. While we understand the sensitivity of this effort, our support for another round is unequivocal in light of the terrorist attacks of September 11, 2001. The Defense Department must be allowed to review its existing infrastructure to ensure it is positioned to support our current and evolving force structure and our war fighting plans.

We are concerned that the reluctance to close unneeded facilities is a drag on our military forces, particularly in an era when homeland security is being discussed as never before. The forces needed to defend bases that would perhaps otherwise be closed are forces unavailable for the campaign on terrorism. Further, money spent on a redundant facility is money not spent on the latest technology we'll need to win this campaign.

We thank you for all you have done to provide for our military forces, the finest in the world. We know closing or realigning bases will be difficult, but we expect you will face many difficult decisions in the coming weeks and months. With the support of Secretary Rumsfeld, together we stand ready to assist in any way we can.

Sincerely,

FORMER SECRETARIES OF DEFENSE.

CHAIRMAN OF THE  
JOINT CHIEFS OF STAFF,  
Washington, DC, September 25, 2001.

Hon. CARL LEVIN,  
Chairman, Senate Armed Services Committee,  
U.S. Senate Washington, DC.

DEAR MR. CHAIRMAN: As the full Senate deliberates the FY 2002 Defense Authorization Bill I would like to reiterate how critically important it is the Congress authorize another round of base closures and realignments.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We can not afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Sincerely,

HENRY H. SHELTON,  
Chairman of the Joint Chiefs of Staff.

Mr. LEVIN. Mr. President, there is another issue which has been raised, and that is the future of our overseas bases. The question was asked, How do we consider the base structure in the United States before we determine the overseas base structure and what the requirements will be? There are three ongoing efforts in determining what our overseas presence will be for the future.

First, the BRAC law itself requires an infrastructure facility review on a worldwide basis before the 2005 round can proceed.

Second, in March, Secretary Rumsfeld requested input from the various combatant commanders in developing a comprehensive overseas presence in basing strategy looking out for the next 10 years. The results of that review are expected this July.

Finally, there is a provision in the bill before us that establishes an independent overseas basing commission that will provide recommendations on our overseas presence and a basic strategy to Congress that is due in August of 2004.

Senator DORGAN asked, How are we going to know what our needs are in 2005? That is when the recommendations are made to the Base Closing Commission—in May of 2005.

This isn't something being done now or this year; these recommendations are due in May of 2005.

I thank our colleagues who have maintained the difficult course here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, you know there are issues that never go away. I have only been here since 1987. But we have revisited this issue—I think my colleagues from Michigan and Virginia would agree—probably more often than any other issue affecting our Nation's security. Issues come and go. This one keeps coming back.

Every expert on military national security who doesn't have any particular bias will tell you we have too many bases. We have too many military bases. I am happy to say we are already in the process in Europe of making some significant changes which will result in significant savings.

Why do we have the BRAC process? We have the BRAC process because we proved to anyone's satisfaction that we cannot close an individual base. Yes, we abrogated our responsibilities, but we didn't completely abrogate our responsibilities because it will still come back to the findings of the commission, and we will vote yes or no.

The issue that continues to intrigue me is this argument that it will cost more to close bases. If that logic were true, we never should have closed the bases following World War II when we had thousands of bases all over America. But we closed bases following World War II because we had a decrease in the requirements to meet our national security needs.

In 1991, we had approximately 3 million men and women in the military. We now have 1.4 million men and women in the military. And those reductions in the size of our military were made with the full knowledge, support, and legislative action of the Congress of the United States. The President didn't reduce the size of the military by Executive order. Every year, a part of our bill is the authorization of the numbers of people and appropriations to pay them. We are now

down to 1.4 million Americans. Maybe we need some more. But there clearly is not the need for the number of bases we had in 1991.

The Secretary of Defense—obviously a strong leader, obviously a highly respected individual, as his predecessors have said—will recommend a veto of the entire legislation if this BRAC process is taken out of it and not allowed to proceed. Here we are placing at risk all of the hard work that has been done by the committee in hearings and coming up with our authorization. The bill is now at risk if we destroy the BRAC process.

I remind my colleagues that the BRAC process has worked. Yes, it has caused some pain. Yes, it has caused some dislocation. But over time in the vast majority of bases that are closed, revenue increases to the community rather than decreases.

That is not to say there isn't severe dislocation in the short term and severe economic difficulties because communities are dependent upon the military presence. But I urge my colleagues to do what is best for our Nation's security, as articulated by the Chairman of the Joint Chiefs of Staff, by our Secretary of Defense, and literally every other expert on national security: that we need to reduce the number of bases so we can spend the money on the men and women in the military, for their pay, their benefits, their health care, and their housing.

One of the reasons why we have dilapidated barracks in some bases in America is because we have too many of them. We cannot afford to maintain all of them at the level we would like for this magnificent All-Volunteer Force.

I urge my colleagues to reject this amendment. Let's move forward and have this bill enacted and signed into law by the President of the United States.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield time to myself.

I thank my colleague from Arizona. He, with a great sense of humility, can refer to his own long association with the Active and, indeed, Reserve and Guard Forces throughout this country. He knows full well that the purpose of the BRAC is to enable the men and women of the Armed Forces to have a better lifestyle together with their families—that coupled with the desperate need to continue with the modernization and transformation of these Armed Forces. I thank my colleague for his participation and strong support to maintain what is law today, and which law gives Congress adequate opportunity, as I have said, to protect the interests of our States.

I enumerated there are several parts of the bill which provide that. I enumerated very clearly they were going through quite a process with regard to the evaluation of overseas bases prior

to final decisions on the BRAC. I believe Members have a role of participation to come in the days, months, and whatever period it takes.

Mr. President, I now have in hand the letter from the Secretary of Defense as authorized by the President. I have referred in part to an earlier communication from the Secretary of Defense to the House. It is parallel to the one received by the Senate, strongly stating the essential nature of this and concluding:

If the President is presented a bill that amends the BRAC authority passed by Congress two years ago . . . then I would join other senior advisors to the President recommending that he veto any such legislation.

That is a perilous route to put the Senate in with regard to this important piece of legislation. In my years here, I have witnessed our legislation contested to the very last minute and how the Appropriations Committee then had the distasteful task of trying to pick out those portions of our bill which had to become law. So much of the work—of all the Members, not just the committee members—in that bill is lost in that process of dissembling our bill and putting portions on the Appropriations bill as it goes forward.

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

Mr. WARNER. I strongly urge that this amendment be rejected by the Senate. As I understand, Mr. President, the vote takes place at 2:50 today.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Now, Mr. President, all time has expired but I see the presence of a very valued member of our committee, the Senator from Oklahoma, so I ask unanimous consent that he be given 5 minutes to speak to this matter. Regrettably, he is not aligned with the chairman, but occasionally that occurs. I ask that his remarks be included as if stated within the time limitation.

The PRESIDING OFFICER. Ten minutes remain for the proponents of the amendment.

Mr. WARNER. Then he is within the bounds of his right to exercise such time as he wishes under the 10 minutes.

Mr. INHOFE. I thank the distinguished chairman.

Mr. President, first, I thank the distinguished chairman of the Senate Armed Services Committee for his remarks, and also the distinguished Senator from Arizona.

I would like to start off by saying, I was elected to the other body in 1986. In 1987, a very distinguished Congressman, Dick Armey, came up with the whole idea of how to get rid of excess infrastructure, using this system that should be free of political influence, or as free as possible. I supported it and voted for it. I went through four BRAC rounds. The first one was in 1988, the second one was in 1991, the third in 1993, and the fourth was in 1995.

During that period of time, it worked very well. We closed or realigned some

300 installations but 97 specific major installations were closed. There was a lot of pain that went with that. There were probably a few people who were defeated on the basis of that. But, nonetheless, the idea he had worked.

I made the statement during that time that with regard to the installations we have in my State of Oklahoma, if they came out through this process and said they, in fact, wanted to do something, and it was necessary to close a classified, excess infrastructure in one of my installations, I would support that statement. As it turned out, it did not happen.

There are three major reasons, that even though what my colleagues have said sounds very good—and I believe most of it is true and factual; and I know they believe it—but three things are different today than were in those four BRAC rounds.

No. 1, I look across the Chamber and I can see a chart that makes reference to the fact that the threat is different since September 11. Well, I will not belabor that point because I was not on the floor and I assume that point has been made.

When you talk about the threat that is out there, you are talking about a threat that could not have been foreseen 10 years ago or even 5 years ago or even 3 years ago. It is a totally different threat.

I can remember sitting in a hearing when we had expert testimony by individuals who were saying at that time that we will no longer need ground forces in 10 years. That was 10 years ago, and we have had two major victories—primarily on the ground—in the last year. So these things were not foreseen at that time. The change in the threat is going to cause us to make other adjustments.

The second thing that I have strong feelings about is this: I was listening to the distinguished Senator from Michigan talk about the amount of money that has been saved. I would question that. There are a lot of cleanups that have not been concluded yet. We hear glowing figures about how much is going to be saved by each installation that is closed. Some installation closings have resulted in no savings whatsoever. But there is one thing that is a certainty; and that is, when you close an installation, for the first 2 or 3 or 4 years, it is going to cost a lot of money. For that reason, and that reason alone, I would want to adopt this amendment so we do not have a 2005 BRAC round because we do not have any idea how many installations will be closed and how much money that will cost us.

Right now we are in a crisis in our defense system. I know a lot of people do not like to say this. A lot of people do not believe it. But we went through the last administration, when the proper attention was not given to defending America, and a lot of people had this great euphoria that the cold war was over and thinking there was no longer

a threat out there and that we could cut down the size of our military; and, as the Senator from Arizona said, we did cut it down from some 3 million troops to 1.4 million. I am certain a mistake was made.

Now we look at the problems we have in our military and they go all the way across the board. No. 1, we have inadequate troop strength. We know that. That is a fact. We can't do what has to be done in Iraq and other places and have enough reserve for a contingency that might happen in North Korea, Syria, or any other place. This is something that has concerned us.

No. 2, force strength deficiency is resulting in a crisis in our reserve component. Our Guard and Reserves are all overworked. They are unable to carry on the responsibilities they have. We can't expect the employers to continue with all these deployments and pay these people, hold these jobs, particularly in an economy that is not robust. This problem is serious.

A third problem that took place over the last administration was a slowing down of our modernization program. I have said in the Senate that we are sending our troops out to fight on the ground with artillery that is World War II technology. The best thing we have in artillery right now operating is called Paladin. Paladin technology came about in the 1950s. When you tell people you have to get out and swab the breach after every shot, they don't believe you until they see that is the case. There are four countries, including South Africa, making artillery pieces better than that which we have.

Then with all of these problems out there, we find out that the threats are greater today than they were during the cold war. People don't like to hear that, but back in the cold war, we had one great threat. That was the Soviet Union. We were the two superpowers. They were predictable. We knew what each other had. We developed a program under a Republican administration that I did not agree with. That was a program of mutual assured destruction. That is, I will make you a deal: You don't defend yourself against us and an incoming missile; We will not defend ourselves. So if you fire on us, we will fire on you. Everybody dies and everybody is happy.

That seemed fairly reasonable at that time. Now we have a little sense of the changing threat out there and recognize it is not coming from one place. We have some 20 countries that have weapons of mass destruction or that are developing them. It is not something we can quantify now as to what kind of force structure we need.

That brings me to my second point one more time. While we don't know how much savings will be effected, we do know it is going to cost millions and millions of dollars for every installation that is closed. We cannot afford it now. We cannot afford to leave our force structure where it is, our modernization program where it is. We can-

not allow the Russians, who are selling on the open market their S.U. series that are better than our F-15s and F-16s—we want to give our troops, the most capable troops in the world, the resources and modern resources to make sure they have something that is better than the enemy has.

The third reason it is very significant is, we are going to rebuild. We have been asking the administration to give us as much detail as to what our future force structure should look like. I am not criticizing them for not being able to come back with it because this is a moving target. We have threats that are out there we didn't have before. We have to learn how to accommodate these threats and how to combat them. Until such time as we know what the force structure is going to look like, I don't believe we should be closing any infrastructure. If we have an inadequate force structure right now that is down to here and we have perhaps more infrastructure, it does not make sense to bring the infrastructure down to an inadequate force structure and then build that up and wonder, wait a minute, why do we have something that can't be used.

So for that reason, until we find out what our force structure is going to look like, we don't know what remaining installations will be needed. Let's stop and remember, we had 97 major installations that have been closed. That is behind us. We supported that. Those were the four BRAC rounds. We are now to a point where we do not know what the threat is going to be. We don't know how we will have to rebuild our force structure and our system. So we don't know what kind of infrastructure it is going to take to accommodate that.

These three reasons were not present in 1989. They were not present in 1991, 1993, and 1995. But they are present today. So we have to face this crisis, which we will, and rebuild our military. And when we get to the point where we know what it is going to look like and how to adequately defend against this new threat, we had no idea it would be out there as recently as 3 or 4 years ago, then it is time to maybe look and reevaluate where we might be. It would be premature to do it at this time.

I support the amendment. These are three very good reasons that were not present in the future rounds.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that there now be a

period of morning business until 2:50 today with time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE PLACED ON THE CALENDAR—S. 1174

Mr. WARNER. Mr. President, I understand that S. 1174 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The bill clerk read as follows:

A bill (S. 1174) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.

Mr. WARNER. Mr. President, I ask that the Senate proceed to the measure and I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

Mr. INHOFE. I suggest the absence of a quorum and ask unanimous consent that time consumed during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

The Senator from Illinois.

#### OUR OCEANS AT RISK

Mr. DURBIN. Mr. President, I am a Midwesterner by birth. I come from the flatlands of Illinois, cornfields and prairies. Frankly, it has meant I see things differently than others. I can still recall as a young boy the first time I saw an ocean. I was off to my brother's wedding in California, all of about 9 or 10 years old, and I got to see the Pacific Ocean. It was an amazing spectacle to me. I had never seen anything like it. The closest I had come to that was the Mississippi River. I developed a special attachment and passion of taking my family, as they grew up, to oceans on a regular basis, to beaches, and the great time you have together.

I never reflected on the fact that the great, vast, mighty body of water, that ocean, might some day be vulnerable; it seemed so impenetrable, so vast, so diverse, so huge.

This week in Washington, the Pew Oceans Commission will release its report. The chairman of that commission is an old friend of mine, a great public servant, Leon Panetta of California. I commend this report to everyone in the country, whether you live near an ocean, as most Americans do, or you are from the Midwest and a flatlander, as I am. It talks about a great resource of America and a great resource of the